



Comoros

Country Reports on Human Rights Practices - [2004](#)

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The Union of Comoros is an emerging democracy ruled by President Azali Assoumani, who took power in a coup in 1999 and subsequently was elected in 2002 presidential elections described by international observers as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. There were several active political parties, which were divided roughly into two groups: Those affiliated with the Union Government, and those affiliated with the governments of the individual islands. Legislative elections took place in March to elect island government assemblies on each of the three islands and, in April, to elect members of the National Assembly. International observers considered these elections to be free and fair. Work on the law to determine the power sharing structure between the island governments and Union Government had not been completed by year's end. The judiciary was independent.

There are four separate security forces that reported to three different authorities: The Gendarmerie and Comorian Defense Force, which reported directly to Union President Azali and had responsibility for internal and external security on the islands of Grande Comore and Moheli; a police force in and around the capital Moroni that reported to Union President Azali and was responsible for law enforcement and immigration; a local police force on Grande Comore that reported to Grande Comore President Abdou Soule Elbak; and a combined Gendarmerie and police force on the island of Anjouan that reported to Anjouan island president Colonel Mohamed Bacar. The Union Government does not have a police or military presence on Anjouan. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was market-based. The country's population was approximately 600,000. The economy was primarily agricultural, dominated by subsistence farming and the production of vanilla, ylang-ylang (a precursor to perfume), and cloves. The rate of economic growth was estimated to be 2.3 percent in 2003. Wages have kept pace with inflation, but the price of vanilla, the main export, has fallen dramatically in recent years, seriously impacting economic growth. The country depended heavily on remittances and foreign assistance.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained poor. The Government restricted freedom of religion. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Unlike in the previous year, there were no reports that security forces forcibly dispersed demonstrations.

Prison conditions remained poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet were common problems. The Government has not taken action to remedy these problems.

Female prisoners were held separately from male prisoners. Juveniles were not imprisoned; they were returned to the custody of their parents. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by independent observers; the International Committee of the Red Cross, United Nations Development Program, the World Health Organization, and UNICEF made prison visits during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, there was one case of alleged arbitrary detention of the editor of an independent newspaper. Authorities reportedly detained the editor for 48 hours after he printed an article critical of the Government. He was released with no charges brought against him (see Section 2.a.). Unlike in the previous year, there were no reports that police brought persons who were detained to military camps instead of jails and held them without charge for more than 24 hours.

There were four separate security forces, which reported to three different authorities. On the island of Grand Comore, there were three forces with responsibility for local policing: Two that reported to Union President Azali (a local police force and the Gendarmerie) and one that reported to island President Elbak. The Union police force had responsibility for local policing and handled immigration. The Gendarmerie handled some local policing on Grande Comore and all local policing on the island of Moheli and was responsible for internal and external defense. The island of Anjouan maintained its own military and police force that it called its Gendarmerie. This arrangement complicated effective policing in the country. The Union Government and island governments separately reported the need for more training and equipment to provide more effective security.

During the year, the Government did not take any actions to reform the police; however, the National Assembly debated how to clarify security responsibilities between the Union Government and the island governments.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The head of state appoints magistrates by decree.

In October, the Government established the 7-member Constitutional Court. The President of the Union assigns one member, one member is assigned by each of the two Union Vice Presidents, one member is assigned by each of the three island government presidents, and the President of the National Assembly assigns one member.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There were approximately five lawyers in the country, making it difficult to obtain legal representation. Most disputes were presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice, although there were problems in some areas. The Government did not restrict academic freedom.

There was one government-supported newspaper, Al-Watwan, that published regularly and one independent newspaper that published irregularly.

Authorities allegedly detained for 48 hours the editor of an independent newspaper after he printed an article strongly criticizing the Government. No charges were brought against the editor, and he was released.

There was a government radio station, which operated on a regular schedule. In addition, there were local community radio stations, which operated in very narrow transmission areas. Citizens who lived overseas primarily funded these stations, which

were staffed by volunteers and were allowed to operate without government interference or regulation. Residents also received broadcasts from Mayotte Radio, as well as from French television, without government interference. In April, one pro-Union government radio station was ransacked during the national elections.

There were several small, community-based television stations that operated without government interference. Funds for their operation were raised among local residents and from relatives overseas.

Foreign newspapers and books were available.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

In September, the island government of Anjouan dispersed a gathering of several hundred followers of the Djawula faith because the group had not received the required prior authorization from the island government. The authorities also were concerned that the organizers would upset the religious public order. Several participants were briefly arrested and had their beards shaved before being released.

The Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricted this right in practice.

The Constitution declares that the laws must draw inspiration from Islam, but the Constitution does not declare Islam the official religion. An overwhelming majority of the population was Sunni Muslim. Proselytizing was illegal, and Christians faced intense societal pressures. Unlike in previous years, there were no reports that police threatened or detained Christians.

On the island of Anjouan, a ban on dress that appeared Arabic and that did not match traditional Comorian dress was sporadically enforced. There were some reports that some men's beards were shaved in an attempt to prevent radical forms of Islam from taking root on the island (see Section 2.b.).

There were two Roman Catholic churches and one Protestant church; however, social pressures restricted the use of these Christian churches to noncitizens. Unlike in previous years, there were no reports the Government restricted access to churches. The Government permitted Christian missionaries to work in local hospitals and schools but did not permit them to proselytize.

Unlike in the previous year, there were no reports that community authorities on Anjouan banned Christians from attending any community events or banned Christian burials in a local cemetery.

There was widespread societal discrimination against Christians, who faced insults and threats of violence from the larger community. Unlike in previous years, there were no reports of mobs harassing Christians or forcing them to attend services at mosques.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

There continued to be reports that persons fled Grande Comore and Anjouan for Mayotte; many of these persons reportedly drowned attempting to reach Mayotte on rafts or by swimming.

The Constitution does not prohibit forced exile, but the Government did not use forced exile in practice.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but the Government did not routinely grant refugee or asylum status. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol and

provided it to approximately 10 persons from Burundi and Rwanda during the year. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens could freely choose and change the laws and officials that govern them.

National legislative assembly elections were held in April in a manner that international observers from the African Union, Arab League, Fracphonie, and European Union described as free and fair. Of the 33 members of the National Assembly, citizens directly elected 18, and the island assemblies appointed the remaining 15. The new National Assembly had 26 members from parties aligned with the island governments, 6 members aligned with the Union Government, and 1 from an independent party.

The country has been prone to coups and political insurrection since its independence in 1975, including an attempted coup in February 2003 that resulted in the arrest of 12 soldiers and 2 government ministers, all of whom were released.

In 2001, the Constitution, which calls for the reincorporation of Anjouan, Grande Comore, and Moheli into a new federation that grants the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Each of the three islands that constituted the Union has a separate elected President. In October, the newly formed National Assembly began work on laws that would finalize power-sharing arrangements between the island and Union Governments.

There were no bans in effect on political parties, which continued to criticize the Government openly. There were several political parties allied either with the Union government or the island governments.

Unlike in previous years, village chiefs and Muslim religious leaders no longer dominated local politics. Traditional social, religious, and economic institutions significantly affected political life.

During the year, a Malagasy auditing firm examining the country's budget found that receipts worth \$5 million (approximately 2 billion Comorian Francs) by-passed the mechanisms established by the Central Bank to share receipts between the island and Union Governments. In addition, the auditing firm found major military expenses that did not comply with official procedures. No action was taken on either of these issues.

There are no laws providing for public access to government information.

There was one woman in the 33-member National Assembly, and a woman was a delegate responsible for human rights matters in the office of one of the vice presidents.

There were no Christians in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

One domestic and some international nongovernmental organizations operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views, and there was no evidence that the Government suppressed criticism of its human rights policies.

During the year, one domestic human rights group was active and independent of government control, interference, or influence. In August, the group organized a colloquium on human rights and worked with UNICEF on child protection programs.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, disability, language, or social status; however, there was discrimination against women.

Women

During the year, the Government did not take any action to combat domestic violence against women, and police and human rights groups believed such violence to be rare, although these groups did not keep statistics. A woman could seek protection through the courts in the case of violence, but the extended family or village elders more often addressed such problems.

Rape is illegal and carries a penalty of between 5 and 10 years' imprisonment. The Government did not enforce effectively laws

on rape. Spousal rape is not addressed specifically in law.

Prostitution is illegal, and most citizens did not consider it to be a problem.

While a matriarchal tradition afforded women some rights, especially in terms of landholding, men retained the dominant role in society. Societal discrimination against women was most apparent in rural areas where women had farming and childrearing duties and fewer opportunities for education and wage employment. The status of women improved in the major towns, where growing numbers of women were in the labor force and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. The Constitution provides for equality of persons, and, in general, inheritance and property rights do not discriminate against women. For example, the house that the father of the bride traditionally must provide to the couple at the time of their marriage remained the wife's property in the event of divorce.

Children

The Government has not taken any specific action to protect or promote children's welfare. Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Education is compulsory to age 16; however, this requirement was not enforced, and priority often was given to boys. According to the National Directorate of Education Planning, 73 percent of children aged 6-11 attended school--66.4 percent of girls and 79.6 percent of boys. Among children aged 12-15, 41.9 percent of children attended school--41.9 percent of girls and 45.1 percent of boys. Among 16 to 18-year-olds, 28.7 percent of children--25.7 percent of girls and 31.6 percent of boys--attended school.

The Government provided basic medical care free of charge to boys and girls equally.

Child abuse was rare but occurred. There was a judge for children's affairs in the Ministry of Justice.

Child prostitution and child pornography are illegal. The law considered unmarried children under the age of 18 as minors, and they were protected legally from sexual exploitation, prostitution, and pornography.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There were no laws that mandate access to buildings for persons with disabilities, and there generally was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and they did so in practice. Approximately 80 percent of the population was engaged in farming on small land holdings, subsistence fishing, and petty commerce. The wage labor force was less than 7,000, including government employees, and less than 2,000 excluding them. Teachers, civil servants, taxi drivers, and dockworkers were unionized. Unions were independent of the Government.

The Labor Code, which was rarely enforced, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference in their right to organize and administer their unions. Unions have the right to bargain collectively; however, employers set wages in the small private sector, and the Government, especially the Ministries of Finance and Labor, set them in the larger public sector.

The law provides for the right to strike, and workers exercised this right in practice. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor by adults; however, the Government did not prohibit forced or compulsory labor by children, and there were reports that such practices occurred (see Section 6.d.).

Starting in January, the Government did not pay low-level government workers for a period of 4 months. Salaries were resumed in April, but 4 months' back pay was still owed at year's end. Teachers went on strike in October as a result of the owed salaries, but they resumed work after 1 week.

d. Prohibition of Child Labor and Minimum Age for

Employment

The Labor Code defines the minimum age for employment as 15, and child labor generally was not a problem due to the lack of wage employment opportunities. Children usually worked for their families in subsistence farming and fishing.

Some families placed their children in the homes of others where they worked long hours in exchange for food or shelter. A 2000 UNICEF study found that approximately 15 percent of children were not paid for their work.

e. Acceptable Conditions of Work

There was no minimum wage. During the year, the Government was unable to pay on a regular basis many low-level government worker salaries (see Section 6.c.).

The Labor Code specifies a workweek of 37½ hours with 1 day off per week plus 1 month of paid vacation per year.

There were no safety or health standards for the very small manufacturing sector.